

1 AMENDMENT TO HOUSE BILL 4942

2 AMENDMENT NO. _____. Amend House Bill 4942 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Structural Pest Control Act is amended
5 by changing Section 21 as follows:

6 (225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

7 (Section scheduled to be repealed on January 1, 2007)

8 Sec. 21. Penalty}. Any person who violates this Act or
9 any rule or regulation adopted by the Department, or who
10 violates any determination or order of the Department under
11 this Act shall be guilty of a Class A misdemeanor and shall
12 be fined a sum not less than \$100. A person convicted of a
13 second or subsequent violation of subsections (a) or (f) of
14 Section 4 of this Act is guilty of a Class 4 felony.

15 Each day's violation constitutes a separate offense. The
16 State's Attorney of the county in which the violation
17 occurred or the Attorney General shall bring such actions in
18 the name of the people of the State of Illinois.

19 (Source: P.A. 82-725.)

20 Section 10. The Illinois Pesticide Act is amended by
21 changing Section 24 as follows:

1 (415 ILCS 60/24) (from Ch. 5, par. 824)

2 Sec. 24. Criminal Penalties.

3 1. Except as otherwise provided in this Section, any
4 person violating any provisions of this Act or regulations
5 adopted thereunder is shall--be guilty of a Class A
6 misdemeanor with a fine of not less than \$5,000.

7 2. A retailer convicted of distributing or selling a
8 pesticide not registered with the United States Environmental
9 Protection Agency and the Illinois Department of Agriculture
10 shall be guilty of a Class A misdemeanor with a fine of not
11 less than \$5,000. A retailer convicted of a second or
12 subsequent violation of distributing or selling a pesticide
13 not registered with the United States Environmental
14 Protection Agency and the Illinois Department of Agriculture
15 shall be guilty of a Class 4 felony. For the purposes of
16 this Section, "retailer" means a person who transfers
17 ownership of or title to pesticides to a purchaser for use.

18 3. A wholesaler who distributes or sells a pesticide not
19 registered with the United States Environmental Protection
20 Agency and the Illinois Department of Agriculture shall be
21 guilty of a Class 4 felony for a first offense and shall be
22 guilty of a Class 3 felony for a second or subsequent
23 offense. For the purposes of this Section, "wholesaler" means
24 a person who sells or distributes pesticides to a retailer.

25 (Source: P.A. 85-177.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law."